

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BOBBY J. SPENCER)	
and DIANE W. SPENCER,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 20-2475-DDC
)	
MILLSAP AND SINGER, LLC,)	
)	
Defendant.)	

ORDER

Plaintiffs, proceeding pro se, filed this action against the Millsap and Singer, LLC law firm on September 25, 2020.¹ They served a copy of the complaint and summons via certified mail on September 28, 2020.² Unfortunately, the summons was addressed to “Millsap and Singer, P.C.,” which is a separate legal entity from the LLC named in this lawsuit.³ The LLC as defendant and the P.C. as an interested third-party have filed a motion to quash the service of summons (ECF No. 5). Plaintiffs acknowledge they “erred in their summons preparation.”⁴ Accordingly, the motion is granted. However, plaintiffs

¹ ECF No. 1.

² ECF No. 3.

³ ECF No. 5-1 at 1.

⁴ ECF No. 8 at 1. Plaintiffs allege, however, that summons was served at the address of the LLC and signed for by an agent of the LLC. *See* ECF No. 3 and ECF No. 6 at 2.

are given leave to correctly serve defendant, in accordance with the dictates of Fed. R. Civ. P. 4, by no later than **December 9, 2020**, and to file proof of such service by **December 23, 2020**.

IT IS SO ORDERED.

Dated November 25, 2020, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge